

**City of Warwick Planning Board
Meeting Minutes**

Wednesday, August 9, 2006

Members Present: John J. Mulhearn Jr.
Attilio Iacobucci
Vincent Gambardella
Michael Constantine
Carter Thomas
George Arnold

Members Absent: Rick Robinson
Philip Slocum
Jeanne Foster

Also in attendance: John DeLucia, City Engineer
Eric Hindinger, Assistant City Engineer
Kerry Rafanelli, Solicitor

The meeting was called to order at 6:05 P.M.

On the motion of Mr. Constantine, seconded by Mr. Iacobucci, the Planning Board voted unanimously to accept the May 2006 and June 2006 meeting minutes.

Major Subdivision

Kalunian Subdivision

Applicant: Karolyn G. Kalunian
Location: 111 Terrace Avenue
Assessor's Plat: 336
Lot(s): 305, 306 & 307
Zoning District: Residential A-40
Land Area: 18,908 square feet
Number of lots: 2
Engineer: A.J. Desvovaux, PE.
Ward: 4

Attorney Alfred Ferruolo Jr. represented the applicant. Attorney Ferruolo explained that the mail notice for the public hearing was insufficient, that notice was mailed to abutters within 200 feet of the subject property and not 400 feet as required for the Residential A-40 Zoning District. The attorney asked if the Planning Board would open the public hearing and continue the hearing to the

next regular meeting on September 13, 2006. Ferruolo explained that he desired to issue mail notice to those residents within the 400 foot radius who had not received notice for this hearing and asked the Planning Staff to check with the City Solicitor to determine if that notice was sufficient or if the hearing had to be fully re-noticed.

On the motion of Mr. Gambardella, seconded by Mr. Arnold, the Planning Board formally opened the public informational meeting.

On the motion of Mr. Constantine, seconded by Mr. Iacobucci, the Planning Board voted unanimously to continue the public informational meeting to September 13, 2006 without accepting public testimony.

Public Hearing

Major Subdivision

Wild-Subdivision

Applicant:	Karen and Kenneth Wild
Location:	3372, 3376, & 3378 West Shore Road
Assessor's Plat:	364
Lot(s):	15 & 485
Zoning District:	Residential A-10
Land Area:	1.29 acres
Number of lots:	3
Engineer:	Alpha Associates, Ltd.
Ward:	7

Attorney John Harrington represented the applicant and was requesting a combined preliminary/final approval of a Major Subdivision to reconfigure two lots with three existing single family dwellings to allow for the creation of three lots, each lot with an existing single family dwelling, less than required frontage, lot width, and side yard setback in a Residential A-10 Zoning District.

Attorney Harrington explained that the subdivision had received Master Plan approval from the Planning Board and a variance from the Zoning Board of Review to create three nonconforming lots. Harrington explained that the purpose of the subdivision was to create three separate lots with three existing single-family homes. The attorney further explained that the three properties had been connected to the Warwick Sewer System and that a RIDOT Physical Alteration Permit (PAP) had been issued to create two new driveways accessing the property.

Being no public testimony, the Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes

and General Statements” of the City’s Development Review Regulations, and:

- 1) Consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City’s Zoning Ordinance having received Zoning Board of Review approval (Petition #9322) to have three lots, each lot with an existing single family dwelling, less than required frontage, lot width, and side yard setback.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant a combined preliminary/final approval with the following stipulations:

- 1) That the applicant shall submit a utility easement protecting the existing sewer laterals to be approved by the Warwick Sewer Authority prior to recording the final plan.
- 2) That the outstanding sewer assessment of \$5,405.52 for Assessor’s Plat: 364, Lot: 15 shall be paid in full prior to recording the final plan.

On the motion of Mr. Constantine, seconded by Mr. Gambardella and Mr. Arnold, the Planning Board voted unanimously to formally adopt the Planning Department’s findings and to grant a combined preliminary/final approval with the Planning Department’s recommended stipulations.

Public Meeting

Request for an Extension

Pontiac Mill Phase II

Applicant: Gillespie and Company Inc.
Location: 334 Knight Street
Assessor's Plat: 274
Lot(s): 180, 182 and 204
Zoning District: Office Planned Unit Development (PUD)
Land Area: 17.35 Acres
Number of lots: NA
Engineer: Crossman Engineering, Inc.
Ward: 8

Mr. James Cronan, P.E. of Crossman Engineers represented the applicant and was requesting an extension of preliminary approval of Pontiac Mills Phase II granted on August 3, 2005 to establish a mixed use development which includes the rehabilitation of existing mill buildings for residential use, retail shops, restaurants and hospitality. Mr. Cronan explained that the applicant was working with the Warwick Sewer Authority on final details of the sewer plan and that the project would soon be ready for a final approval.

Mr. Edward Hrabchek, President, of the Pontiac Village Association spoke in favor of the extension expressing the Associations desire to see the project come to fruition.

Being no further public testimony, the Planning Board than heard the Planning Department's findings and recommendation.

The Planning Department found the following:

- 1) The project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this project.
- 2) The Development Review Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of the original application, as they would apply to this project.
- 3) The Zoning Map designation for the subdivision has not changed since the time of the original application.
- 4) No substantial change to the physical conditions of the subdivision or the neighboring property has occurred since the time of the original application.

The Planning Department recommendation was to grant the requested extension to expire on August 3, 2007.

On the motion of Mr. Iacobucci, seconded by Mr. Gambardella, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant the requested extension to expire on August 3, 2007.

Public Hearing

Major Land Development Project

Dunkin' Donuts – Post Road

Applicant:	Dan's Management Company
Location:	2700 Post Road
Assessor's Plat:	267
Lot(s):	302 & Portion of State Highway
Zoning District:	General Business
Land Area:	2.09 acres
Number of lots:	1
Engineer:	Crossman Engineering, Inc.
Ward:	7

Attorney Sanford J. Resnick represented the applicant and was requesting preliminary plan approval to merge State of Rhode Island highway property with an existing lot to allow for the development of a 13,410 square foot commercial building for general business use including a restaurant and fast food with drive-thru, on a lot with less than required parking.

The attorney explained that the project had received master plan approval and a variance from the Zoning Board of Review for less than the required parking. The attorney then addressed the Planning Department stipulations and requested that stipulation two be amended to read: "That in addition to the fast food restaurant with drive-thru, one (1) additional restaurant shall be permitted so long as said unit shall not be larger than 2,100 square feet." in order to allow the developer the flexibility to locate the proposed restaurant anywhere in the building.

The Planning Staff did not object to the request.

Attorney Resnick then introduced Mr. Bruce Hagerman P.E., Crossman Engineers, who explained the details of the project. Mr. Hagerman informed the Planning Board that the parking lot circulation pattern had been changed slightly to address the Fire Departments concerns and to allow better traffic flow throughout the site, that the building footprint had been reduced by 1,800 square feet as required by the Zoning Board and the project had received all required State of Rhode Island permits/approvals including Rhode Island Department of Transportation Physical Alteration Permit (RIDOT PAP) RIDEM Wetlands permit and RIDEM water quality permit.

John DeLucia, City Engineer, then explained the effect of the RIDOT Greenwood Bridge reconstruction on the project and the fact that the developer would merge surplus RIDOT land with the site.

Mr. James Cronan, Traffic Engineer from Crossman Engineers explained that the proposed development would have no adverse impact on traffic along Post Road.

Being no further questions or comments and no public testimony the Planning Board they heard the Planning Staff findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City’s Zoning Ordinance having received Zoning Board of Review approval (Petition #9256) to construct a 13,410 square foot commercial building with less than the required parking.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, and:
- 5) That the proposed subdivision possesses adequate and permanent access to a public street.

The Planning Department recommendation was to grant preliminary approval with final approval to be through the Administrative Officer with the following stipulations:

- 1) That the applicant shall merge the two lots through an Administrative Subdivision.
- 2) That in addition to the fast food restaurant with drive-thru, one (1) additional restaurant shall be permitted so long as said unit shall not be larger than 2,100 square feet.
- 3) That all corners shall be negotiable by public safety vehicles (fire, rescue, hazmat, etc.) having an outside turning radius of 50 feet.
- 4) That the applicant shall provide sewer impact analysis to be approved by the Warwick Sewer Authority, prior to final approval.

- 5) That the applicant shall provide interior plumbing plans which shall include pretreatment and sampling manholes on all proposed units to be approved by the Warwick Sewer Authority prior to a Certificate of Occupancy (C.O.).
- 6) That the final water connection plan shall be approved by the Warwick Water Division prior to final approval and shall include separate domestic water service and fire service, fire hydrant meter and connection to building via 6" fire line and a double check detector installed with a 5/8" Neptune meter to be purchased from the Water Division.

On the motion of Mr. Constantine, seconded by Mr. Arnold, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant preliminary approval with final approval to be through the Administrative Officer with the Planning Department's recommended stipulations.

Request for an Amendment to the City's Zoning Ordinance

Karmichael Realty, LLC. & Carol Bainum

Applicant: Karmichael Realty, LLC. & Carol Bainum
Location: West Shore Road
Assessors Plat: 347
Assessors Lots: 361 & 518
Zoning District: Residential A-7 to General Business.

Attorney, John C. Revens represented the applicant and was requesting a positive recommendation from the Planning Board to rezone two existing nonconforming land uses (a commercial bank and a beauty salon) from residential to General Business in order to bring the properties into conformance with the city's zoning ordinance.

Attorney Revens described the current condition of the property being a commercial bank (Bank RI) and a Zoning Board approved hair salon. The attorney explained that these properties had been used commercially for more than twenty years, since at least the 1980's. He asked that the Planning Board make a positive recommendation to the City Council so that the zoning would be consistent with the existing uses.

Being no questions or comment, the Planning Board heard the Planning Department's findings and recommendation.

The Planning Department found the proposed zone change to be in compliance with the City's Comprehensive Plan, including the Goals and Policies Statement, the Implementation Program, the Land Use Element and the Economic Development Element.

The Planning Department also finds the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100 "Title and Purpose":

- 103.1 Promote the public health, safety and general welfare of the City.
- 103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflects current and future needs.
- 103.3 Provides for orderly growth and development, which recognizes:
 - A) The goals and patterns of land use contained in the Comprehensive Plan of the City of Warwick
 - E) The availability and capacity of existing and planned public and/or private services and facilities.
 - F) The need to shape and balance urban and suburban development.
- 103.11 Promotes implementation of the Warwick Comprehensive Community Plan, as amended.

The Planning Department recommended a favorable recommendation to the Warwick City Council for the requested zoning amendment with the following stipulation that Lot 518 shall not be used for a fast food establishment identified as Use Category 503.

On the motion of Mr. Iacobucci, seconded by Mr. Constantine, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to make a favorable recommendation to the Warwick City Council for the requested zoning amendment with the stipulation that Lot 518 shall not be used for a fast food establishment identified as Use Category 503.

Public Meeting

Request for a Reinstatement

West Shore Court

Applicant: Hugh Fisher
Location: 299 West Shore Road
Assessor's Plat: 319
Lot(s): 489, 490 & 495
Zoning District: Planned District Residential (PDR) A-7
Land Area: 2.13 Acres
Number of lots: NA
Engineer: DiPrete Engineering Associates, Inc.
Ward: 4

Attorney, Sanford J. Resnick represented the applicant and was requesting reinstatement of a Master Plan Approval granted on May 4, 2005 for a 23-unit residential condominium complex with less than required land area, setbacks between buildings, front yard setback, wetland setback, setbacks from parking and less than required landscape buffer. The attorney explained that the applicant was awaiting RIDEM Wetlands approval and that the ownership of the property had been contested. He informed the Planning Board that these issues had been resolved and that his client intends to proceed to the preliminary stage of the approval process upon reinstatement of the project.

Chairman Mulhearn inquired if notice had been provided to the abutters for the reinstatement. The attorney responded that notice was not required but that it would be served at the preliminary approval stage.

The Chairman expressed concern about the lack of notice stating that he remembered that there were several neighbors who objected to the project initially and that they should be allowed to participate in the meeting.

There being no additional questions or comment the Planning Board heard the Planning Department's findings and recommendation.

The Planning Department found the following:

- 1) The project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this project.

- 2) The Development Review Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of the original application, as they would apply to this project.
- 3) The Zoning Map designation for the subdivision has not changed since the time of the original application.
- 4) No substantial change to the physical conditions of the subdivision or the neighboring property has occurred since the time of the original application.

The Planning Department recommendation was to grant the requested reinstatement of the Master Plan approval.

On the motion of Mr. Constantine, seconded by Mr. Iacobucci, the Planning Board voted four in favor with Mr. Mulhearn opposed and Mr. Arnold abstaining to reinstate the Master Plan approval.

Public Hearing

Major Subdivision

Aurore Plat

Applicant:	Aurore Development, LLC
Location:	Ethan Street and Bucklin Avenue
Assessor's Plat:	309
Lot(s):	27 & 36
Zoning District:	Residential A-7
Land Area:	35,237 square feet
Number of lots:	5
Engineer:	Ocean State Planners, Inc.
Ward:	3

Attorney, John C. Revens represented the applicant and was requesting a preliminary approval to subdivide two lots to create five new lots, four conforming lots on a new street with less than the required cul-de-sac radius and one lot with less than the required land area on an existing street in a Residential A-7 Zoning District. The attorney explained that the subdivision had received master plan approval from the Planning Board and Zoning Board approval to build on an undersized lot.

Mr. John DeLucia, City Engineer, informed the Planning Board that his family owns property within the radius area and therefore he would not participate in the public hearing.

Attorney Revens then introduced Mr. Joseph Casali P.E. who explained the details of the development. Mr. Casali explained specifically that the Warwick Sewer Authority had approved a six inch (6") sewer main and not the eight inch (8") sewer main stipulated in the Planning Department's recommendation.

The Planning Board opened the public hearing following the engineer's presentation.

Mr. James Menendez of 45 Bucklin Avenue stated that he lives next to lot 5, the undersized 5,700 square foot lot and that he was concerned about losing privacy.

The attorney stated that his client had agreed with Mr. Menendez that he would install a fence along the property line.

Mr. Steve Underbee of Puritan Drive spoke on behalf of Mr. Menendez asking if Menendez could have input on what type of fence would be installed.

The applicant's attorney agreed that Menendez would have input on the type of fence to be installed.

Mr. Robert Improso of 61 Bucklin Avenue who also abuts lot 5 stated that the Zoning Board had stipulated that the new house could only have a one car garage.

Ms. Mary Egan of Sand Pond Drive was concerned about the increased cut-through traffic from the development.

Being no further public comment the Planning Board closed the public hearing and heard the Planning Department findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance; having received Zoning Board of Review approval (Petition #9324) to build on a lot with less than the required area.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, and:

- 5) That the proposed development possesses adequate and permanent access to a public street.

The Planning Department recommendation was to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the stipulations:

- 1) That the Cape Cod berm along the northerly side of Ethan Street shall be extended to the west as far as feasible.
- 2) That the existing pavement to be replaced on Ethan Street shall be graded to direct storm-water runoff to the proposed catch basins.
- 3) That sheet 8 entitled "Road Plan and Profile" shall be revised to reflect 240 linear feet extension of 8" sewer main (as opposed to 6" as currently shown) on both the plan and profile.

On the motion of Mr. Gambardella, seconded by Mr. Arnold, the Planning Board voted five in favor with Mulhearn abstaining to formally adopt the Planning Department's findings and to grant preliminary approval with final approval to be through the Administrative Officer with the Planning Department's recommended stipulations.

Public Hearing

Major Land Development Project

Byfield, Hickory and Plum Streets

Applicant:	Barbara and Ronald Goldsmith.
Location:	Byfield Street, Hickory Street and Plum Street
Assessor's Plat:	285
Lot(s):	201 to 207
Zoning District:	GI (General Industrial)
Land Area:	42,790 square feet
Number of lots:	7
Engineer:	Garofalo and Associates, Inc.
Ward:	2

Mr. Nick Pompiano P.E., Garofalo Engineers, represented the applicant and was requesting Master Plan approval of a Major Land Development Project to construct a new 9,600 square foot commercial building on a lot with a street extension requiring a waiver from Development Review Regulations, Section D.2.1-K, to have less than required cul-de-sac radius and Section D.2.1-G to eliminate the sidewalk. The proposed development also requires a zoning variance to have less than required landscape buffer and less than required aisle setback from building.

Mr. Pompiano explained that the applicant was proposing to merge seven Assessor's Lots totaling approximately 9,600 square feet to construct a building for a landscape business. He stated that the project entailed an extension of the City's water line, that the project already received RIDEM wetlands approval and ISDS approval and that the applicant would dedicate a portion of the property to accommodate a cul-de-sac at the request of the City.

Mr. Steven Chambroni of 90 Byfield Street, directly across from the development was concerned about drainage and increased runoff onto his property.

Mr. John DeLucia, City Engineer, explained that there would be no additional runoff resulting from the development and that there could possibly be a decrease in runoff onto abutting property resulting from grading and the installation of a paved roadway and new drainage.

Mr. Phillip Vergadamo P.E., ERA Engineering, located just south of the site was concerned about the treatment of Hickory Street. He stated that Hickory Street was a paper street abutting his property and that he preferred that the street remain paper.

Mr. Pompiano explained that the primary access to the site would be Byfield Street, that the proposed cul-de-sac would be constructed partially on Byfield Street and partially on the applicant's property with little or no effect on Hickory Street.

Being no further questions or comment the Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations,

1. Generally consistent with the Comprehensive Community Plan.
2. Not in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring a variance for less than required landscape buffer and less than required aisle setback from building. Not in compliance with the City's Development Review Regulations, Section D.2.1-K and Section D.2.1-G, therefore, requiring a waiver from the development standards.
3. That there will be no significant negative environmental impacts from the proposed development.
4. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant Master Plan approval with the following stipulations:

1. That the applicant shall receive a variance from the City's Zoning Board of Review to have a lot with less than required landscape buffer and less than required aisle distance from the building.
2. That the preliminary plan shall include a landscape plan designed and stamped by a Rhode Island Registered Landscape Architect and approved by the Warwick Landscape Project Coordinator.
3. That the Applicant shall merge all abutting lots by an Administrative Subdivision.
4. That the Applicant shall deed a portion of Assessors Plat 285, lot 204 to the City of Warwick as depicted on the site plan as part of the roadway cul-de-sac.
5. That the location and number of hydrants shall be approved by the Warwick Fire Department. All sprinklered buildings require a hydrant within 100 feet of the Fire Department Connection.
6. That the newly extended roadway shall have a valve installed at the end of the existing line and that the contractor must coordinate the installation of the water line services and shut down with the Warwick Water Division. If a fire service is required, a separate line must be provided.
7. That the Applicant shall remove and properly dispose of all existing debris on site.

On the motion of Mr. Constantine, seconded by Mr. Iacobucci, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant Master Plan approval with the Planning Department's recommended stipulations.

Public Meeting

Request for a Reinstatement

Wilkinson Plat

Applicant: Brian Wilkinson
Location: 1860 & 1863 West Shore Road
Assessor's Plat: 352
Lot(s): 13
Zoning District: Residential A-10
Land Area: 31,054 Square Feet
Number of lots: NA
Engineer: Peter Cipolla, PLS
Ward: 5

Attorney, K. Joseph Shekarchi represented the applicant and was requesting reinstatement of a Master Plan Approval granted on September 1, 2004 to construct a second two-family dwelling on a 31,054 square foot lot with less than the required land area, lot frontage, lot width and side yard setback in a Residential A-10 Zoning District. The attorney explained that the applicant had received Zoning Board approval and RIDEM approval but that the Planning Board approval had expired in the interim.

Being no question or comments the Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found the following:

- 1) The project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this project.
- 2) The Development Review Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of the original application, as they would apply to this project.
- 3) The Zoning Map designation for the subdivision has not changed since the time of the original application.
- 4) No substantial change to the physical conditions of the subdivision or the neighboring property has occurred since the time of the original application.

The Planning Department recommendation is to grant the requested reinstatement of the Master Plan approval.

On the motion of Mr. Gambardella, seconded by Mr. Thomas, the Planning Board voted five in favor with Mr. Mulhearn opposed to reinstate the Master Plan approval.

Public Hearing

Major Land Development Project

Brinker, On the Border Restaurant

Applicant:	Brinker Rhode Island, Inc.
Location:	650 Bald Hill Road, RI Mall
Assessor's Plat:	264
Lot(s):	001
Zoning District:	GB, General Business
Land Area:	20.3 +/- acres
Number of lots:	1
Engineer:	Bohler Engineering
Ward:	8

Attorney, K. Joseph Shekarchi represented the applicant and was requesting combined Preliminary/Final approval of a Major Land Development Project to construct a new 6,032 square foot restaurant within the existing parking facilities at the Rhode Island Mall Shopping Center on a lot with less than required parking and landscaping.

The attorney explained that the applicant had received master plan approval from the Planning Board and Zoning Board of Review approval. The attorney further explained that the applicant had secured all required State of Rhode Island permits.

There were no questions or comments from the Planning Board and no public testimony.

The Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations,

1. Generally consistent with the Comprehensive Community Plan.
2. In compliance with the standards and provisions of the City's Zoning Ordinance having received a Zoning Board of Review Variance (Petition #9317) for less than required parking and landscaping.
3. That there will be no significant negative environmental impacts from the proposed development.

4. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. That the proposed development possesses adequate access to a public street.

Planning Department recommendation is to grant combined Preliminary/Final approval.

On the motion of Mr. Iacobucci, seconded by Mr. Gambardella, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant a combined preliminary/final approval.

Public Hearing

Major Land Development Project

Inskip/Mini Cooper Car Dealership

Applicant:	Inskip Management Co., Inc.
Location:	1515 Bald Hill Road
Assessor's Plat:	249
Lot(s):	003
Zoning District:	GB, General Business
Land Area:	889,189 square feet
Number of lots:	1
Engineer:	Pare Engineering
Ward:	8

Attorney, John C. Revens represented the applicant and was requesting preliminary approval of a Major Land Development Project to construct a new 8,830 square foot auto dealership within the existing auto dealership complex and to increase the size of an existing car wash facility on a lot with less than required off-street parking, less than required landscaping and less than the required loading spaces. The attorney explained that the project had received master plan approval from the Planning Board and Zoning Board approval in May.

The attorney then introduced Mr. Scott Lindgrin, P.E. of Pare Engineering who explained the details of the project. Mr. Lindgrin stated that the proposal was to construct a new 8,830 square foot building on a site that was previously impervious and add a 5,375 square foot addition to an existing car wash building.

Mr. Lindgrin addressed the drainage system that had been previously installed on the site and explained that the system resulted in a reduction of peak discharge and runoff from the site as well as improved water quality. The engineer told the board that the system consisted of three large infiltration systems to contain the runoff on site and three vortex units to improve water quality.

Board member Iacobucci asked if the engineer was concerned about cut through traffic from the commercial condominium development to Centerville Road.

Mr. Lindgrin responded that the site was designed to discourage cut through traffic and that the driveways would be appropriately signed to prohibit the movement.

Attorney Revens explained that the drainage from the development would have no impact on the abutting residents. He stated that the runoff from the site had been reduced and the water cleaned.

The Planning Board then opened the Public Hearing.

Mr. Joseph McGarry of 522 Gauvin Drive presented a letter from an engineer that had been retained by the abutters to review the drainage for the development.

Attorney Revens objected to the letter being entered into the record. He stated that the engineer was not present to be questioned and that the letter was a fax copy of a draft letter.

Chairman Mulhearn asked the City Solicitor for an opinion as to whether the Planning Board should accept the letter.

Mr. Rafanelli, City Solicitor, reviewed the letter and advised that the letter not be admitted because it was considered hearsay, that it was not an original and that the author was not present at the meeting to be cross examined.

Mr. John DeLucia, City Engineer, stated that he did not believe the Inskip development was contributing to the flooding of the abutting properties along Gauvin Drive.

Ms. Janice Hanson of 510 Gauvin Drive asked what the ultimate plan for the site was. She stated that the applicants seem to be continually asking to do more with the property. She stated that she had been to several meetings and that the owners are always asking to change their plans and asking for more building. She asked if the current plan increased the drainage.

Mr. Lindgrin explained that there are three drainage systems which handle the drainage and that the car wash was designed to recapture 90% of the water and that the additional 10% was discharged into the sanitary sewer system.

Mr. Frank Farone of 498 Gauvin Drive reminded the Planning Board that it had given the neighbors the opportunity to hire an engineer at the May meeting and that the neighbors were close to having a final report. He asked that the Board postpone its decision until the report had been completed.

Ms. Anita McGarry asked the Board to postpone the decision and asked Mr. Revens to consider the residents situation and voluntarily continue the meeting one month.

Mr. Revens declined.

Mr. Marcel Valouis, Chief Operating Officer, of Inskip asked the Planning Board to render a decision. Mr. Valouis explained that the project was initiated last October, almost one year ago and that the agreement with the Mini-Cooper dealership expires in October 2006. He stated that postponing the decision could result in Inskip losing the dealership.

Attorney Revens addressed the public stating that the drainage problem is not the applicants fault and that the City Council and the Mayor should take action to provide relief to the residents in the area. He stated that the problem is money and that the residents need to convince the elected officials that they should spend the money to determine the problem and design a solution.

There being no further testimony the Planning board closed the public hearing.

The Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations,

1. Generally consistent with the Comprehensive Community Plan.
2. In compliance with the standards and provisions of the City's Zoning Ordinance having received a Zoning Board of Review variance (Petition #9262) to have a lot with less than required parking, loading spaces, landscaping and landscape buffer.
3. That there will be no significant negative environmental impacts from the proposed development.
4. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. That the proposed development possesses adequate access to a public street.

The Planning Department recommendation was to grant Preliminary approval with Final Approval to be through the Administrative Officer with the following stipulations:

1. That the final plan shall include a landscape plan designed and stamped by a Rhode Island Registered Landscape Architect and approved by the Warwick Landscape Project Coordinator.

2. That striping shall be installed at the approach to Inskip Way at Bald Hill Road to improve vehicle flow as recommended in the traffic impact statement prepared by Pare Engineering Corporation, dated February 24, 2006, prior to issuance of Certificate of Occupancy.
3. That the applicant shall receive final approval from Kent County Water Authority.
4. That the applicant shall receive final approval from West Warwick Sewer Authority.
5. That all previous stipulations, restrictions and conditions imposed by the Planning Board and Zoning Board of Review shall remain in effect on the property including:
 - a) That the developer shall contribute a fee-in-lieu of landscaping to be determined by the City's Landscape Project Coordinator for the City of Warwick Tree Planting Program to remediate the elimination of trees on the interior of the parking lot, prior to the issuance of a Certificate of Occupancy.
 - b) That the developer shall locate overhead doors and direct lighting away from the western most property line.
 - c) That the owner or its agents shall be prohibited from utilizing an outdoor loud speaker system.
 - d) That the owner or its agents shall be prohibited from repairing and/or detailing vehicles outside.
 - e) That there shall be no unloading of vehicles to the westerly side of the so called Infinity building.

On the motion of Mr. Constantine, seconded by Mr. Gambardella, the Planning Board voted four in favor with Mr. Thomas opposed and Mr. Iacobucci abstaining to formally adopt the Planning Department's findings and to grant a preliminary with the Planning Departments recommended stipulations.

The Planning Staff informed the Planning Board that the motion did not pass with the required five affirmative votes and as a result the project was denied.

Bond Reduction

Buckpell Estates

Current bond total	\$45,660.00
<u>Amount to be released</u>	<u>\$36,330.91</u>
Amount to be retained	\$9330.00

On the motion of Mr. Constantine, seconded by Mr. Gambardella, the Planning Board voted five in favor with Mr. Mulhearn abstaining to approve the requested bond reduction.

Administrative Subdivisions

The Planning Department offered the following Administrative Subdivisions for information purposes.

Re-plat of Jewel Park	Assessor's Plat: 332	Lots: 506 & 507
Cuy Plat	Assessor's Plat: 239	Lots: 3 & 22
Nelson Plat	Assessor's Plat: 266	Lots: 6 & 8
Kyle Plat	Assessor's Plat: 349	Lots: 283 & 285
Tiffany Avenue	Assessor's Plat: 379	Lots: 285, 287 & 289
Re-plat of Potowomut Plat	Assessor's Plat: 201	Lots: 91 & 93
Alliance Energy Corp.	Assessor's Plat: 323	Lots: 399 & 400
St. Peter's Plat	Assessor's Plat: 292	Lots: 1 & 2
Re-plat of Dryden Heights	Assessor's Plat: 290	Lots 95 & 392

Being no further business the meeting was adjourned at 8:30 PM.